

APPENDIX A

Letter from the Governor's Office of Planning and Research



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX
DIRECTOR

May 5, 2015

Via Electronic Mail

Scott Johnson, Associate Planner
City of Sacramento, Community Development Department
Environmental Planning Services
300 Richards Boulevard, Third Floor
Sacramento, CA 95811

Re: Sacramento Commons Project (SCH # 2014042032)

Dear Mr. Johnson,

It has come to our attention that certain comments have been raised in connection with the Sacramento Commons Project regarding the applicability of Section 21094.5 of the Public Resources Code. Specifically, a comment from the National Trust for Historic Preservation, dated April 24, 2015, asserts that the City's environmental impact report should have analyzed an alternative that would reduce impacts to historic resources to a less than significant level. The comment cites CEQA Guidelines Section 15126.6(c) to support its assertion. We write because our office recently developed updates to the CEQA Guidelines implementing Section 21094.5, and we have been following use of that provision at the local level.

Subdivision (b) of Section 21094.5 states: "If an infill project would result in significant effects that are specific to the project or the project site ... an environmental impact report prepared for the project analyzing those effects shall be limited as follows: ... Alternative locations, densities, and building intensities to the project need not be considered."

Similarly, Section 15183.3 of the CEQA Guidelines states: "The analysis of alternatives in an infill EIR need not address alternative locations, densities, or building intensities." (CEQA Guidelines § 15183.3(e).)

Both of those sections limit the analysis of alternatives that CEQA might otherwise require. Indeed, both provisions are intended to streamline the normal CEQA process to benefit infill projects. (Pub. Resources Code § 21094.5(a)(1) ("...the application of this division to the approval of an infill project shall be limited...").) To the extent the comment suggests that Section 21094.5 and Section 15183.3 conflict with the general rules governing alternatives described in Section 15126.6, we note "a general rule of statutory interpretation that, in the event of statutory conflict, a specific provision will control over a general provision." (*Arbuckle-College City Fire Protection Dist. v. County of Colusa* (2003) 105 Cal. App. 4th 1155, 1166.)

Because the limitations in Section 21094.5 and Section 15183.3 are more specific than the general rules regarding alternatives described in Section 15126.6, and because those limitations on alternatives are intended to streamline the CEQA process for infill projects, the City should give those provisions their intended effect.

Sincerely,

Ken Alex
Director